

WEDNESDAY, MAY 4, 2005

THIRTY-SIXTH LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 3:00 p.m., and was called to order by Mr. Speaker Wilder.

PRAYER

The proceedings were opened with prayer by Pastor Ron Harper of Minerva Drive Church of Christ in Murfreesboro, Tennessee, a guest of Senator Tracy.

PLEDGE OF ALLEGIANCE

Senator Tracy led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 33

Senators present were: Beavers, Black, Bryson, Burchett, Burks, Chism, Cohen, Cooper, Crowe, Crutchfield, Finney, Ford, Fowler, Hagood, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Tracy, Williams and Mr. Speaker Wilder--33.

STANDING COMMITTEE REPORTS

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 214, 247, 888, 912, 1008 with amendment, 1719, 1836 with amendment, 1967, 2106, 2176 with amendment and 2249.

HENRY, Chairperson
May 3, 2005

The Speaker announced that he had referred Senate Bills Nos. 214, 247, 888, 912, 1008 with amendment, 1719, 1836 with amendment, 1967, 2106, 2176 with amendment and 2249 to Committee on Calendar.

STATE AND LOCAL GOVERNMENT

MR. SPEAKER: Your Committee on State and Local Government begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 144, 576, 582, 752 with amendment, 907 with amendment, 1005, 2008, 2053 with amendment and 2077 with

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amendment; and Senate Joint Resolution No. 186; also, recommend that Senate Bills Nos. 1307 and 1830 be referred to Committee on Finance, Ways and Means.

COHEN, Chairperson
May 3, 2005

The Speaker announced that he had referred Senate Bills Nos. 144, 576, 582, 752 with amendment, 907 with amendment, 1005, 2008, 2053 with amendment and 2077 with amendment; and Senate Joint Resolution No. 186 to Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 1307 and 1830 to Committee on Finance, Ways and Means.

EDUCATION

MR. SPEAKER: Your Committee on Education begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 235, 271 with amendment, 460 with amendment, 516 with amendment, 595 with amendment, 905, 1097 with amendment, 1343 with amendment, 1629, 1676 and 2062 with amendment; also, recommend that Senate Bill No. 231 with amendment be referred to Committee on Finance, Ways and Means.

HAGOOD, Chairperson
May 3, 2005

The Speaker announced that he had referred Senate Bills Nos. 235, 271 with amendment, 460 with amendment, 516 with amendment, 595 with amendment, 905, 1097 with amendment, 1343 with amendment, 1629, 1676 and 2062 with amendment to Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 231 with amendment to Committee on Finance, Ways and Means.

JUDICIARY

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 254, 428 with amendment, 645 with amendment, 787, 809, 1971 and 2153 with amendment; also, recommend that Senate Bills Nos. 772, 1256 with amendment, 1768 with amendment and 2102 be referred to Committee on Finance, Ways and Means; and Senate Joint Resolution No. 14 be referred to Committee on State and Local Government.

PERSON, Chairperson
May 3, 2005

The Speaker announced that he had referred Senate Bills Nos. 254, 428 with amendment, 645 with amendment, 787, 809, 1971 and 2153 with amendment to Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 772, 1256 with amendment, 1768 with amendment and 2102 to Committee on Finance, Ways and Means.

The Speaker announced that he had referred Senate Joint Resolution No. 14 to Committee on State and Local Government.

EDUCATION

MR. SPEAKER: Your Committee on Education begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 244 with amendment, 312 with amendment, 434 with amendment, 641 with amendment, 1015, 1231 with amendment, 1652, 1660 with amendment, 1816 with amendment and 2234 with amendment; Senate Resolutions Nos. 23 and 29; Senate Joint Resolution No. 258; and House Joint Resolution No. 88; also, recommend that Senate Bills Nos. 957, 1315 with amendment, 1316 with amendment, 1667 and 2224 with amendment be referred to Committee on Finance, Ways and Means.

HAGOOD, Chairperson
May 4, 2005

The Speaker announced that he had referred Senate Bills Nos. 244 with amendment, 312 with amendment, 434 with amendment, 641 with amendment, 1015, 1231 with amendment, 1652, 1660 with amendment, 1816 with amendment and 2234 with amendment; Senate Resolutions Nos. 23 and 29; Senate Joint Resolution No. 258; and House Joint Resolution No. 88 to Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 957, 1315 with amendment, 1316 with amendment, 1667 and 2224 with amendment to Committee on Finance, Ways and Means.

GENERAL WELFARE, HEALTH AND HUMAN RESOURCES

MR. SPEAKER: Your Committee on General Welfare, Health and Human Resources begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 508 with amendment, 529 with amendment, 545 with amendment, 991, 1751, 1859 with amendment, 2124 with amendment, 2135 with amendment, 2254 with amendment, 2278 and 2203; Senate Joint Resolution No. 63; and House Joint Resolutions Nos. 85, 86 and 91; also, recommend that Senate Bills Nos. 528, 1257, 1773 and 2309 be referred to Committee on Finance, Ways and Means.

FORD, Chairperson
May 4, 2005

The Speaker announced that he had referred Senate Bills Nos. 508 with amendment, 529 with amendment, 545 with amendment, 991, 1751, 1859 with amendment, 2124 with amendment, 2135 with amendment, 2254 with amendment, 2278 and 2203; Senate Joint Resolution No. 63; and House Joint Resolutions Nos. 85, 86 and 91 to Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 528, 1257, 1773 and 2309 to Committee on Finance, Ways and Means.

TRANSPORTATION

MR. SPEAKER: Your Committee on Transportation begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 36, 495, 812, 1304, 1436, 1646, 1674 and 1752; Senate Joint Resolutions Nos. 223, 229 and 260; and House Joint Resolution

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No. 242; also, recommend that Senate Bill No. 2221 be referred to Committee on Finance, Ways and Means.

NORRIS, Chairperson
May 4, 2005

The Speaker announced that he had referred Senate Bills Nos. 36, 495, 812, 1304, 1436, 1646, 1674 and 1752; Senate Joint Resolutions Nos. 223, 229 and 260; and House Joint Resolution No. 242 to Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 2221 to Committee on Finance, Ways and Means.

HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

House Bill No. 445 -- Education -- Requires LEAs to complete a health report card on each child enrolled within their school system whose parents have not requested exclusion from testing. Amends TCA Title 49, Chapter 6 and Title 68.

House Bill No. 581 -- DUI/DWI Offenses -- Authorizes judge to sentence first-time DUI offenders to remove litter from highways for 48 hours in lieu of 48 hours of incarceration. Amends TCA Section 55-10-403.

House Bill No. 821 -- Traffic Safety -- Requires that every driver of a motor vehicle exercise due care to avoid collisions with any object in the road or legally placed beside a road. Amends TCA Section 55-8-136.

House Bill No. 1007 -- Mental Health and Developmental Disabilities, Dept. of -- Permits court to order criminal defendant being evaluated for competency to stand trial to undergo further hospitalization for not more than 21 days for further treatment and evaluation rather than not more than 30 days. Amends TCA Title 33 and Title 40.

House Bill No. 1128 -- Milk, Dairy Products -- Removes requirement that processors and distributors selling dairy products file a price list of milk and milk products sold with Commissioner of Agriculture; permits processors and distributors to give milk products customers rebates and discounts. Amends TCA Title 53, Chapter 3.

House Bill No. 1213 -- Motor Vehicles -- Authorizes persons 18 years or older riding a motorcycle as a driver or passenger in a parade traveling at a speed of not more than 30 miles an hour to ride without a crash helmet. Amends TCA Section 55-9-302.

House Bill No. 1262 -- Local Education Agency -- Requires local board of education to recommend use of local dedicated education fund balance for recurring or nonrecurring annual operating expenses or for budgeting purposes before appropriation of such funds by local legislative body. Amends TCA Section 49-3-352.

House Bill No. 1542 -- Education, Higher -- Removes requirement that chief security officer of college notify local law enforcement if alleged rape occurs on campus and provides that institution does not have to report alleged sexual assault occurring on campus to law enforcement unless victim consents to notification. Amends TCA Title 49, Chapter 7.

House Bill No. 2265 -- State Government -- Removes reference to transfer of funds from executive residence preservation foundation to foundation's board of directors; authorizes Tennessee residence foundation to raise and spend funds for the renovation, restoration, reconstruction, expansion, and upkeep of the executive residence. Amends TCA Title 4, Chapter 23.

SENATE BILLS ON SECOND CONSIDERATION

The Speaker announced that the following bills passed second consideration and were referred to the appropriate committee:

Senate Bill No. 2394 held on desk.

Senate Bill No. 2395 held on desk.

Senate Bill No. 2396 held on desk.

INTRODUCTION OF RESOLUTIONS

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 295 by Senator Cohen.

Memorials, Recognition -- Honors Lebanese Americans and their contributions to American society.

Senate Joint Resolution No. 296 by Senator Black.

Memorials, Academic Achievement -- Amanda Crider, Salutatorian, Gallatin High School.

Senate Joint Resolution No. 297 by Senator Black.

Memorials, Academic Achievement -- Allison Smith, Valedictorian, Gallatin High School.

Senate Joint Resolution No. 298 by Senator Black.

Memorials, Academic Achievement -- Vonda Rene Patton, Valedictorian, E.B. Wilson High School.

Senate Joint Resolution No. 299 by Senator Black.

Memorials, Academic Achievement -- Elijah Riek Chuol, Salutatorian, E.B. Wilson High School.

Senate Joint Resolution No. 300 by Senator Black.

Memorials, Academic Achievement -- Jessica Cathey, Salutatorian, Hendersonville High School.

Senate Joint Resolution No. 301 by Senator Black.

Memorials, Academic Achievement -- Kathleen Collins, Valedictorian, Hendersonville High School.

Senate Joint Resolution No. 302 by Senator Kyle.

Memorials, Academic Achievement -- Kinjal Shah, Valedictorian, Ridgeway High School.

Senate Joint Resolution No. 303 by Senator Kyle.

Memorials, Academic Achievement -- Bethany McKenzie Copperidge, Salutatorian, Ridgeway High School.

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Senate Resolution No. 30 by Senator Black.

Memorials, Public Service -- Pat Owsley, Tennessee Education Association Susan B. Anthony Award.

Senate Resolution No. 31 by Senator Herron.

Memorials, Professional Achievement -- Kent D. Syverud, Dean of Vanderbilt University Law School.

Senate Resolution No. 32 by Senator Kyle.

General Assembly, Confirmation of Appointment -- Betty Anne Wilson, Goodwyn Institute.

Senate Resolution No. 33 by Senator Kyle.

General Assembly, Confirmation of Appointment -- Judith A. Drescher, Goodwyn Institute.

Senate Resolution No. 34 by Senator Kyle.

General Assembly, Confirmation of Appointment -- W. J. Michael Cody, Goodwyn Institute.

RESOLUTIONS LYING OVER

The Speaker announced that the following resolutions passed second consideration and were referred to the appropriate committee or held on the desk, pursuant to Rule 21:

Senate Joint Resolution No. 286 -- Memorials, Recognition -- Mooreland Heights

Elementary School centennial celebration.

The Speaker announced that he had referred Senate Joint Resolution No. 286 to Committee on Calendar.

Senate Joint Resolution No. 287 -- Memorials, Sports -- Cherokee High School

Cheerleaders.

The Speaker announced that he had referred Senate Joint Resolution No. 287 to Committee on Calendar.

Senate Joint Resolution No. 288 -- Memorials, Academic Achievement -- Russell Tomsick,

Salutatorian, Trezevant High School.

The Speaker announced that he had referred Senate Joint Resolution No. 288 to Committee on Calendar.

Senate Joint Resolution No. 289 -- Memorials, Professional Achievement -- Cris Klitzing,

Springfield-Robertson County Chamber of Commerce Education Award.

The Speaker announced that he had referred Senate Joint Resolution No. 289 to Committee on Calendar.

Senate Joint Resolution No. 290 -- Memorials, Heroism -- Gallatin Firefighters.

The Speaker announced that he had referred Senate Joint Resolution No. 290 to Committee on Calendar.

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Senate Joint Resolution No. 291 -- Memorials, Academic Achievement -- Courtney Gregory, Valedictorian, South Haven Christian School.

The Speaker announced that he had referred Senate Joint Resolution No. 291 to Committee on Calendar.

Senate Joint Resolution No. 292 -- Memorials, Academic Achievement -- Christopher Wagoner, Salutatorian, South Haven Christian School.

The Speaker announced that he had referred Senate Joint Resolution No. 292 to Committee on Calendar.

Senate Joint Resolution No. 293 -- Highway Signs -- "Bethel Brown Highway", segment of State Route 174 (Long Hollow Pike) in Sumner County.

The Speaker announced that he had referred Senate Joint Resolution No. 293 to Committee on Transportation.

Senate Joint Resolution No. 294 -- Memorials, Congratulations -- Depot Bar and Grill, Springfield-Robertson County Chamber of Commerce Business of the Year for 2005.

The Speaker announced that he had referred Senate Joint Resolution No. 294 to Committee on Calendar.

House Joint Resolution No. 215 -- Memorials, Congress -- Urges the United States Congress to place the Elkmont Historic District historic structures within the Great Smoky Mountains National Park under the jurisdiction of the National Park Service for maintenance and preservation.

The Speaker announced that he had referred House Joint Resolution No. 215 to Committee on Finance, Ways and Means.

House Joint Resolution No. 246 -- General Assembly, Directed Studies -- Requests the judicial council to study the issue of private process servers serving civil process and report its findings back to the judiciary committees.

The Speaker announced that he had referred House Joint Resolution No. 246 to Committee on Judiciary.

House Joint Resolution No. 439 -- Memorials, Academic Achievement -- Julia Norwood, Valedictorian, Tellico Plains High School.

The Speaker announced that he had referred House Joint Resolution No. 439 to Committee on Calendar.

House Joint Resolution No. 440 -- Memorials, Academic Achievement -- Betsy Wilson, Salutatorian, Tellico Plains High School.

The Speaker announced that he had referred House Joint Resolution No. 440 to Committee on Calendar.

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House Joint Resolution No. 442 -- Memorials, Professional Achievement -- Gerald L. Sanders, Sculptor of the Tennessee Monument at Shiloh Battlefield.

The Speaker announced that he had referred House Joint Resolution No. 442 to Committee on Calendar.

House Joint Resolution No. 443 -- Memorials, Public Service -- Tennessee Leadership Seminar.

The Speaker announced that he had referred House Joint Resolution No. 443 to Committee on Calendar.

House Joint Resolution No. 444 -- Memorials, Professional Achievement -- Gina Nunn, Distinguished Educator at Building/School Level.

The Speaker announced that he had referred House Joint Resolution No. 444 to Committee on Calendar.

House Joint Resolution No. 445 -- Memorials, Professional Achievement -- Tommy Wolaver, MCEA Distinguished Administrator system-wide.

The Speaker announced that he had referred House Joint Resolution No. 445 to Committee on Calendar.

House Joint Resolution No. 446 -- Memorials, Professional Achievement -- Melissa Bryant, 2005 Columbia Academy Teacher of the Year.

The Speaker announced that he had referred House Joint Resolution No. 446 to Committee on Calendar.

House Joint Resolution No. 447 -- Memorials, Retirement -- Dr. David Craig.

The Speaker announced that he had referred House Joint Resolution No. 447 to Committee on Calendar.

House Joint Resolution No. 448 -- Memorials, Professional Achievement -- Terri Thornton, MCEA Distinguished Educator system-wide.

The Speaker announced that he had referred House Joint Resolution No. 448 to Committee on Calendar.

House Joint Resolution No. 449 -- Memorials, Retirement -- Eddie Bassham.

The Speaker announced that he had referred House Joint Resolution No. 449 to Committee on Calendar.

House Joint Resolution No. 450 -- Memorials, Retirement -- Eddie Bassham.

The Speaker announced that he had referred House Joint Resolution No. 450 to Committee on Calendar.

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House Joint Resolution No. 451 -- Memorials, Professional Achievement -- Brenda Gardner, MCEA School/Building Level Distinguished Educator.

The Speaker announced that he had referred House Joint Resolution No. 451 to Committee on Calendar.

House Joint Resolution No. 452 -- Memorials, Retirement -- Faye Flowers.

The Speaker announced that he had referred House Joint Resolution No. 452 to Committee on Calendar.

House Joint Resolution No. 453 -- Memorials, Retirement -- Sherry Shouse.

The Speaker announced that he had referred House Joint Resolution No. 453 to Committee on Calendar.

House Joint Resolution No. 454 -- Memorials, Retirement -- Louise Amonette.

The Speaker announced that he had referred House Joint Resolution No. 454 to Committee on Calendar.

House Joint Resolution No. 455 -- Memorials, Retirement -- Irish Mayes.

The Speaker announced that he had referred House Joint Resolution No. 455 to Committee on Calendar.

House Joint Resolution No. 456 -- Memorials, Retirement -- Lee Clayborne.

The Speaker announced that he had referred House Joint Resolution No. 456 to Committee on Calendar.

House Joint Resolution No. 457 -- Memorials, Professional Achievement -- Lee Clayborne, MCEA Distinguished Educator system-wide.

The Speaker announced that he had referred House Joint Resolution No. 457 to Committee on Calendar.

House Joint Resolution No. 458 -- Memorials, Professional Achievement -- Jim Curry, Maury County Middle School Teacher of the Year and MCEA School/Building Level Distinguished Educator.

The Speaker announced that he had referred House Joint Resolution No. 458 to Committee on Calendar.

House Joint Resolution No. 459 -- Memorials, Professional Achievement -- Dolly Attkisson, Distinguished Educator at Building/School Level.

The Speaker announced that he had referred House Joint Resolution No. 459 to Committee on Calendar.

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House Joint Resolution No. 460 -- Memorials, Professional Achievement -- Kim Sutton, Distinguished Educator at School/Building Level.

The Speaker announced that he had referred House Joint Resolution No. 460 to Committee on Calendar.

House Joint Resolution No. 461 -- Memorials, Professional Achievement -- Valerie Cassella, Distinguished Educator at School/Building Level.

The Speaker announced that he had referred House Joint Resolution No. 461 to Committee on Calendar.

House Joint Resolution No. 462 -- Memorials, Professional Achievement -- Aimee Williams, Distinguished Educator at Building/School Level.

The Speaker announced that he had referred House Joint Resolution No. 462 to Committee on Calendar.

House Joint Resolution No. 463 -- Memorials, Professional Achievement -- Karlene Fittje, Distinguished Educator at School/Building Level.

The Speaker announced that he had referred House Joint Resolution No. 463 to Committee on Calendar.

House Joint Resolution No. 464 -- Memorials, Professional Achievement -- Kim Crane, Distinguished Educator at School/Building Level.

The Speaker announced that he had referred House Joint Resolution No. 464 to Committee on Calendar.

House Joint Resolution No. 465 -- Memorials, Professional Achievement -- Melanie Burt, Distinguished Educator at School/Building Level.

The Speaker announced that he had referred House Joint Resolution No. 465 to Committee on Calendar.

House Joint Resolution No. 466 -- Memorials, Professional Achievement -- Jade Young, Columbia Academy, Teacher of the Year.

The Speaker announced that he had referred House Joint Resolution No. 466 to Committee on Calendar.

House Joint Resolution No. 467 -- Memorials, Professional Achievement -- Anita White, Distinguished Educator at School/Building Level.

The Speaker announced that he had referred House Joint Resolution No. 467 to Committee on Calendar.

House Joint Resolution No. 468 -- Memorials, Professional Achievement -- Rebecca Kelley, Distinguished Educator at School/Building Level.

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The Speaker announced that he had referred House Joint Resolution No. 468 to Committee on Calendar.

House Joint Resolution No. 469 -- Memorials, Professional Achievement -- Marilyn Adams, Maury County Schools, McDowell Elementary Pre-K-4th grade Teacher of the Year.

The Speaker announced that he had referred House Joint Resolution No. 469 to Committee on Calendar.

House Joint Resolution No. 470 -- Memorials, Professional Achievement -- Rene Harvey, 2005 Maury County Schools High School Teacher of the Year.

The Speaker announced that he had referred House Joint Resolution No. 470 to Committee on Calendar.

House Joint Resolution No. 471 -- Memorials, Professional Achievement -- Patricia Hickman Shackelford, Distinguished Educator at School/Building Level.

The Speaker announced that he had referred House Joint Resolution No. 471 to Committee on Calendar.

House Joint Resolution No. 472 -- Memorials, Professional Achievement -- René Gillis, Distinguished Educator at Building/School Level.

The Speaker announced that he had referred House Joint Resolution No. 472 to Committee on Calendar.

House Joint Resolution No. 479 -- Memorials, Sports -- Chester County Girl's Basketball Team, Class 2A State Champions.

The Speaker announced that he had referred House Joint Resolution No. 479 to Committee on Calendar.

House Joint Resolution No. 486 -- Memorials, Recognition -- Tennessee Strawberry Festival.

The Speaker announced that he had referred House Joint Resolution No. 486 to Committee on Calendar.

MOTION

Senator Cohen moved that Rule 83(8) be suspended for the purpose of placing **Senate Bill No. 1716** on the calendar for the Committee on State and Local Government for Tuesday, May 10, 2005, which motion prevailed.

CONSENT CALENDAR

Senate Resolution No. 24 -- Memorials, Interns -- Jolian Collins.

Senate Joint Resolution No. 240 -- Memorials, Academic Achievement -- Wendy Gregory, Salutatorian, Smith County High School.

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Senate Joint Resolution No. 252 -- Memorials, Academic Achievement -- Brittany Dale Anderson, Salutatorian, College Heights Christian Academy.

Senate Joint Resolution No. 253 -- Memorials, Retirement -- Reverend Paul Frank.

Senate Joint Resolution No. 254 -- Memorials, Academic Achievement -- Garet Davidson, Springfield-Robertson County Chamber of Commerce Education Award.

Senate Joint Resolution No. 255 -- Memorials, Professional Achievement -- Julia Grant-Veale, Middle School Teacher of the Year.

Senate Joint Resolution No. 256 -- Memorials, Recognition -- Caterpillar Financial.

Senate Joint Resolution No. 257 -- Memorials, Recognition -- Hong Kong Laboratory.

Senate Joint Resolution No. 259 -- Memorials, Recognition -- Alexander Rich.

Senate Joint Resolution No. 261 -- Memorials, Death -- George William Gregory.

Senate Joint Resolution No. 262 -- Memorials, Academic Achievement -- Helen Katherine Hayes, Co-Valedictorian, Franklin County High School.

Senate Joint Resolution No. 263 -- Memorials, Academic Achievement -- Ashley Renee Rose, Co-Valedictorian, Franklin County High School.

Senate Joint Resolution No. 264 -- Memorials, Academic Achievement -- Jodi Leanne Gipson, Co-Valedictorian, Franklin County High School.

Senate Joint Resolution No. 265 -- Memorials, Academic Achievement -- William Denney Zimmerman, Valedictorian, Franklin County High School.

Senate Joint Resolution No. 266 -- Memorials, Academic Achievement -- Whitney Turner, Co-Valedictorian, Franklin County High School.

Senate Joint Resolution No. 267 -- Memorials, Academic Achievement -- Brandon Earl Leming, Co-Valedictorian, Franklin County High School.

Senate Joint Resolution No. 268 -- Memorials, Academic Achievement -- Andrew Richard Rose, Co-Valedictorian, Franklin County High School.

Senate Joint Resolution No. 269 -- Memorials, Academic Achievement -- Caitlyn Marie Meyers, Co-Valedictorian, Franklin County High School.

Senate Joint Resolution No. 270 -- Memorials, Academic Achievement -- Ashley Marie Pruitt, Co-Valedictorian, Franklin County High School.

Senate Joint Resolution No. 271 -- Memorials, Academic Achievement -- Kyle Brady Winkleman, Co-Valedictorian, Franklin County High School.

Senate Joint Resolution No. 272 -- Memorials, Academic Achievement -- Mary Kathryn Williams, Co-Valedictorian, Franklin County High School.

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Senate Joint Resolution No. 273 -- Memorials, Academic Achievement -- Katie Ann Warf, Co-Valedictorian, Franklin County High School.

Senate Joint Resolution No. 274 -- Memorials, Academic Achievement -- LaQuita Moore, Valedictorian, Trezevant High School.

Senate Joint Resolution No. 275 -- Memorials, Death -- Dick Smyser.

House Joint Resolution No. 390 -- Memorials, Personal Achievement -- Cheyne Stewart, The Tennessean's Top 40 Under 40.

House Joint Resolution No. 391 -- Memorials, Professional Achievement -- Barge Waggoner Sumner and Cannon, Inc., 50th anniversary.

House Joint Resolution No. 392 -- Memorials, Academic Achievement -- Brianne Beasley, Salutatorian, Camden Central High School.

House Joint Resolution No. 393 -- Memorials, Academic Achievement -- Jennifer Laird, Valedictorian, Henry County High School.

House Joint Resolution No. 394 -- Memorials, Academic Achievement -- Laura McLean, Salutatorian, Henry County High School.

House Joint Resolution No. 395 -- Memorials, Academic Achievement -- Christopher Bomba, Valedictorian, Stewart County High School.

House Joint Resolution No. 396 -- Memorials, Academic Achievement -- Leslie Barrow, Salutatorian, Stewart County High School.

House Joint Resolution No. 397 -- Memorials, Academic Achievement -- Nicholas D. Dilda, Salutatorian, Big Sandy High School.

House Joint Resolution No. 398 -- Memorials, Academic Achievement -- Samantha Jeude, Valedictorian, Big Sandy High School.

House Joint Resolution No. 399 -- Memorials, Personal Occasion -- Ala Stockdale Gilbreth, 100th birthday.

House Joint Resolution No. 400 -- Memorials, Professional Achievement -- Major Lincoln Higgins, 40-year Law Enforcement Veteran.

House Joint Resolution No. 409 -- Memorials, Retirement -- Jerry Taylor.

House Joint Resolution No. 410 -- Memorials, Personal Achievement -- Amber Howard, Girl Scout Gold Award.

House Joint Resolution No. 411 -- Memorials, Professional Achievement -- Diane Psihogios, Tennessee High School Principal of the Year.

House Joint Resolution No. 412 -- Memorials, Personal Achievement -- Jennie Lynn Peters, Girl Scout Gold Award.

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House Joint Resolution No. 413 -- Memorials, Personal Achievement -- Jennifer Cauthen, Girl Scout Gold Award.

House Joint Resolution No. 414 -- Memorials, Recognition -- Jack Smith.

Senator Crowe moved that all Senate Joint Resolutions and Senate Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Beavers, Black, Bryson, Burchett, Chism, Cohen, Cooper, Crowe, Crutchfield, Finney, Ford, Fowler, Hagood, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Person, Ramsey, Southerland, Tracy, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

LOCAL BILL
CONSENT CALENDAR

Senate Bill No. 2369 -- Robertson County -- Subject to local approval, creates Part II of the general sessions court, confers upon it the same jurisdiction as Part I and provides that the judge of Part II is elected at the August 2006 general election for an eight-year term. Amends Chapter 140 of the Private Acts of 1955; as amended.

On motion, Senate Bill No. 2369 was made to conform with **House Bill No. 2385**.

On motion, House Bill No. 2385, on same subject, was substituted for Senate Bill No. 2369.

Senate Bill No. 2384 -- Polk County -- Subject to local approval, authorizes county to impose a privilege tax of 3 percent upon the privilege of occupancy in any hotel.

On motion, Senate Bill No. 2384 was made to conform with **House Bill No. 2399**.

On motion, House Bill No. 2399, on same subject, was substituted for Senate Bill No. 2384.

Senator Crowe moved that all House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	27
Noes	0

Senators voting aye were: Beavers, Black, Bryson, Burchett, Chism, Cohen, Crowe, Crutchfield, Finney, Ford, Fowler, Hagood, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Tracy, Williams and Mr. Speaker Wilder--27.

A motion to reconsider was tabled.

CALENDAR

Senator Burks moved that **Senate Bill No. 79** be placed on the Calendar for Monday, May 9, 2005, which motion prevailed.

Mr. Speaker Wilder moved that **Senate Bill No. 81** be moved five places down on the Calendar for today, which motion prevailed.

Senate Bill No. 150 -- Child Custody and Support -- Limits, under certain circumstances, retroactive parental liability for child support or medical care on behalf of a child placed in state custody if a support hearing is not conducted within a certain period following the date that the child's custody is placed with the state. Amends TCA Section 37-1-151.

Senate Bill No. 150 passed its third and final consideration by the following vote:

Ayes	29
Noes	0

Senators voting aye were: Beavers, Black, Bryson, Burchett, Chism, Cohen, Crowe, Crutchfield, Finney, Ford, Fowler, Hagood, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, Miller, Person, Ramsey, Southerland, Tracy, Williams and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

Senate Bill No. 194 -- Disabled Persons -- Permits public building authorities to be included among the pool of solid waste management facility applicants able to receive preference for matching grants if the facility employs adults who have developmental disabilities. Amends TCA Section 68-211-825.

Senator Ford moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all of the language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-211-825(a), is amended by deleting the language "if they employ adults with a developmental disability" and by substituting instead the language "if their program employs adults with a developmental disability" in the last sentence of the subsection.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 194**, as amended, passed its third and final consideration by the following vote:

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Ayes 32
Noes 0

Senators voting aye were: Beavers, Black, Bryson, Burchett, Chism, Cohen, Cooper, Crowe, Crutchfield, Finney, Ford, Fowler, Hagood, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Tracy, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

Senator Ketron moved that **Senate Bill No. 303** be placed on the Calendar for Wednesday, May 11, 2005, which motion prevailed.

Senate Bill No. 327 -- Driver Licenses -- Increases from 10 days to 20 days time in which Department of Safety must notify licensing state and commercial driver license information system that commercial driver has violated traffic law; increases from 10 days to 20 days time in which clerk must notify department of conviction of commercial driver violating traffic law. Amends TCA Title 4; Title 54; Title 55; Title 64; Title 65 and Title 67.

Senator Miller moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 50, Part 3, is amended by adding a new section thereto, as follows:

Section 55-50-353. The department shall provide with each driver license issued, renewed or reinstated in a driver license station a living will form that is identical to, or substantially identical to, the form in Section 32-11-105. Such living will form shall be written in the same language in which the applicant takes or has taken the driver examination. Living wills provided pursuant to this section shall be subject to all the provisions of Title 32, Chapter 11, Part 1.

SECTION 2. This act shall take effect January 1, 2006, the public welfare requiring it.

Senator Miller moved that **Senate Bill No. 327** be placed on the Calendar for Wednesday, May 11, 2005, which motion prevailed.

Senate Bill No. 339 -- Safety -- Increases, from 200 to 300 feet, distance required for clear view of vehicle parked on highway outside business or residential district. Amends TCA Title 55.

Senator Norris moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all sections of the introduced bill after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-12-139, is amended by deleting subsection (a) and by substituting instead the following:

(a) This chapter shall apply to every vehicle subject to the registration and certificate of title provisions as required in § 55-3-101.

SECTION 2. This act shall take effect July 1, 2005, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 339**, as amended, passed its third and final consideration by the following vote:

Ayes	33
Noes	0

Senators voting aye were: Beavers, Black, Bryson, Burchett, Burks, Chism, Cohen, Cooper, Crowe, Crutchfield, Finney, Ford, Fowler, Hagood, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Tracy, Williams and Mr. Speaker Wilder--33.

A motion to reconsider was tabled.

Senator Cooper moved that **Senate Bill No. 81** be rereferred to the Committee on Calendar, which motion prevailed.

Senate Bill No. 530 -- TennCare -- Requires that all information on negotiated rebate amounts remains confidential. Amends TCA Title 53; Title 63; Title 68 and Title 71.

On motion, Senate Bill No. 530 was made to conform with **House Bill No. 1975**.

On motion, House Bill No. 1975, on same subject, was substituted for Senate Bill No. 530.

On motion of Senator McNally, Amendment No. 1 was withdrawn.

On motion of Senator Ford, Amendment No. 2 was withdrawn.

Senator McNally moved that **House Bill No. 1975** be placed on the Calendar for Monday, May 9, 2005, which motion prevailed.

Senator Burks moved that **Senate Bill No. 560** be placed on the Calendar for Wednesday, May 11, 2005, which motion prevailed.

Senate Bill No. 795 -- Hospitals and Health Care Facilities -- Changes the definition of "outpatient diagnostic centers" for purposes of licensure and department of health facility regulation only. Amends TCA Section 68-11-201.

Senator Ford moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-11-201, is amended by deleting subdivision (31) in its entirety and substituting instead the following:

(31) "Outpatient diagnostic center," except as otherwise limited herein, means any facility providing outpatient diagnostic services, unless the outpatient diagnostic services are provided as the services of another licensed health care institution that reports such outpatient diagnostic services on its joint annual report, or the facility is otherwise excluded from this definition. As used in this subdivision, "outpatient diagnostic services" means the following services provided to any person who is not an inpatient of a hospital: computerized tomography, magnetic resonance imaging, positron emission tomography, or other imaging technology developed after the effective date of this act which provides substantially the same functionality as computerized tomography, magnetic resonance imaging, or positron emission tomography and for which a certificate of need is required by Title 68, Chapter 18. With respect to an outpatient diagnostic center, data shall be reported to the Commissioner of Health pursuant to § 68-1-119, but the commissioner shall not make such data available to any third parties, except approved vendors which process the data, until the data is made publicly available.

"Outpatient diagnostic center" does not include a physician or dental practice that is conducted at a location occupied and controlled by one or more physicians or dentists licensed under Title 63, if the outpatient diagnostic services are ancillary to the specialties of the physicians' practice or are provided primarily for persons who are patients of the physicians or dentists in the practice for purposes other than outpatient diagnostic services. Outpatient diagnostic services provided in settings other than outpatient diagnostic centers or ambulatory surgery treatment centers shall be reported to the department of health in the same manner as if such services were provided in an outpatient diagnostic center.

SECTION 2. Nothing in this act shall require an outpatient diagnostic center in existence prior to the effective date of this act to obtain a certificate of need. Outpatient diagnostic centers in existence prior to the effective date of this act will be required to obtain licensure by the department of health and comply with relevant reporting requirements.

SECTION 3. The commissioner is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Senator Crowe declared Rule 13 on **Senate Bill No. 795**, as amended.

WEDNESDAY, MAY 4, 2005 -- 36TH LEGISLATIVE DAY

Thereupon, **Senate Bill No. 795**, as amended, passed its third and final consideration by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Beavers, Black, Bryson, Burchett, Burks, Chism, Cohen, Cooper, Crowe, Crutchfield, Finney, Ford, Fowler, Hagood, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Person, Ramsey, Southerland, Tracy, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

Senate Bill No. 926 -- Medical Occupations -- Revises provisions relative to temporary licenses issued to medical laboratory personnel to limit such temporary licenses to six months. Amends TCA Section 68-29-117.

Senator Ford moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-29-117(d)(1), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(d)(1) The board may issue to an applicant a temporary license as a medical technician, medical technologist, special analyst, or medical laboratory director who has successfully completed the academic course work, clinical training, and all board designated requirements for the license sought, and who is scheduled to take the next available board approved examination.

SECTION 2. Tennessee Code Annotated, Section 68-29-117(d)(4), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(d)(4) The recipient of a temporary license issued under the provisions of this subsection shall work only under the direct supervision of medical laboratory personnel licensed in the state at a level equal to or higher than the temporary licensee's level of licensure.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Senator Crowe moved to amend as follows:

AMENDMENT NO. 2

AMEND by adding the following as new Section 2 and by renumbering the existing Section 2 accordingly:

SECTION 2. Tennessee Code Annotated, Section 68-29-117(d), is amended by deleting subdivision (4) in its entirety and by substituting instead the following:

(4) The recipient of a temporary license issued under the provisions of this subsection shall work only under the direct supervision of licensed medical laboratory personnel appointed by the laboratory supervisor as preceptor to the temporary licensee. This preceptor will hold a license equal to or higher than the temporary licensee's level of licensure.

Pursuant to Rule 39(3), Amendment No. 2 was adopted by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Beavers, Black, Bryson, Burchett, Burks, Chism, Cohen, Cooper, Crowe, Crutchfield, Finney, Ford, Fowler, Hagood, Harper, Haynes, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Person, Ramsey, Southerland, Tracy, Williams and Mr. Speaker Wilder--30.

Thereupon, **Senate Bill No. 926**, as amended, passed its third and final consideration by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Beavers, Black, Bryson, Burchett, Burks, Chism, Cohen, Cooper, Crowe, Crutchfield, Finney, Ford, Fowler, Hagood, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Person, Ramsey, Southerland, Tracy, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

MOTION

Senator Herron moved that Rule 37 be suspended for the immediate consideration of **Senate Resolution No. 31**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Resolution No. 31 -- Memorials, Professional Achievement -- Kent D. Syverud, Dean of Vanderbilt University Law School.

On motion of Senator Herron, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Resolution No. 31** was adopted by the following vote:

Ayes 31
Noes 0

WEDNESDAY, MAY 4, 2005 -- 36TH LEGISLATIVE DAY

Senators voting aye were: Beavers, Black, Bryson, Burchett, Burks, Chism, Cohen, Cooper, Crowe, Crutchfield, Finney, Ford, Fowler, Hagood, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Person, Ramsey, Southerland, Tracy, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

CALENDAR

Senate Bill No. 955 -- Foster Care -- Directs the Department of Children's Services and the Commission on Aging and Disability to jointly develop and implement a range of services to support and encourage elderly caregivers and disabled caregivers participating in the kinship foster care program. Amends TCA Title 37, Chapter 2, Part 4 and Title 71, Chapter 2, Part 1.

On motion, Senate Bill No. 955 was made to conform with **House Bill No. 704**.

On motion, House Bill No. 704, on same subject, was substituted for Senate Bill No. 955.

On motion of Senator Ford, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 704** passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Beavers, Black, Bryson, Burchett, Burks, Chism, Cohen, Cooper, Crowe, Crutchfield, Finney, Ford, Fowler, Hagood, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Tracy, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

Senate Bill No. 1006 -- Death -- Authorizes physician assistants to pronounce death and sign the death certificate if such task is in an assistant's written protocol with a supervising physician. Amends TCA Title 68, Chapter 3, Part 5.

Senator Ford moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 3, Part 5, is amended by adding the following language as a new section as follows:

Section 68-3-512. The determination and pronouncement of death may be made by a physician assistant licensed under Tennessee Code Annotated, Title 63, Chapter 19, Part 1, so long as this task is expressly included in the written protocol developed jointly by the physician assistant and the supervising physician setting forth the range of services which may be performed by that physician assistant.

SECTION 2. This act shall take effect upon July 1, 2005, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 1006**, as amended, passed its third and final consideration by the following vote:

Ayes	33
Noes	0

Senators voting aye were: Beavers, Black, Bryson, Burchett, Burks, Chism, Cohen, Cooper, Crowe, Crutchfield, Finney, Ford, Fowler, Hagood, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Tracy, Williams and Mr. Speaker Wilder--33.

A motion to reconsider was tabled.

Senate Bill No. 1129 -- Insurance Companies, Agents, Brokers, Policies -- Excludes service warranties related to persons performing tax preparation services from definition of "contract of insurance". Amends TCA Section 56-7-101.

On motion of Senator Cooper, Amendment No. 1 was withdrawn.

Senator Cooper moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 56-7-101(b), is amended by adding the following language as a new subdivision:

(3) A contract entered into between a tax preparation service company and a taxpayer, providing for the tax preparation service company to pay the additional tax liability, penalties and/or interest imposed by a taxing authority on the taxpayer as a result of an error of the tax preparation service, shall not be deemed to constitute a contract of insurance as long as the tax preparation service has secured on a form approved by the commissioner a surety bond from an insurance company licensed in Tennessee for a penal sum in an amount to be determined by the commissioner, which amount shall be not less than one hundred thousand dollars (\$100,000), but not more than five hundred thousand dollars (\$500,000), with respect to the statewide operations of such tax preparation service and its franchisees engaged in the tax preparation business. In the alternative, the commissioner may accept a deposit of cash or securities in such amount. This bond or deposit shall be subject to suit thereon by the state and by any person who has a cause of action arising from a contract subject to this subdivision.

SECTION 2. Tennessee Code Annotated, Section 56-7-101, is amended by adding the following language as a new subsection:

(c) The commissioner may promulgate such rules and regulations as may be necessary or appropriate to carry out this act in accordance with the Uniform Procedures Act, compiled in Title 4, Chapter 5.

SECTION 3. This act shall take effect upon becoming law, the public welfare requiring it.

Pursuant to Rule 39(3), Amendment No. 2 was adopted by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Beavers, Black, Bryson, Burchett, Burks, Chism, Cohen, Cooper, Crowe, Crutchfield, Finney, Ford, Fowler, Hagood, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Person, Ramsey, Southerland, Tracy, Williams and Mr. Speaker Wilder--32.

Senator Ketron declared Rule 13 on **Senate Bill No. 1129**, as amended.

Senator Tracy declared Rule 13 on **Senate Bill No. 1129**, as amended.

Thereupon, **Senate Bill No. 1129**, as amended, passed its third and final consideration by the following vote:

Ayes	33
Noes	0

Senators voting aye were: Beavers, Black, Bryson, Burchett, Burks, Chism, Cohen, Cooper, Crowe, Crutchfield, Finney, Ford, Fowler, Hagood, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Tracy, Williams and Mr. Speaker Wilder--33.

A motion to reconsider was tabled.

Senate Bill No. 1678 -- Criminal Procedure -- Revises procedure for citizens' rights to be restored. Amends TCA Title 40, Chapter 29.

Senator Person moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 29, is amended by adding the following new Part 2:

§ 40-29-201.

(a) The provisions and procedures of this part shall apply to and govern restoration of the right of suffrage in this state to any person who has been disqualified from exercising such right by reason of a conviction in any state or federal court of an infamous crime.

(b) This part shall apply to any person convicted of an infamous crime after May 18, 1981.

(c) This part shall apply only to restoration of the right of suffrage. For restoration of all other rights of citizenship forfeited as the result of a conviction for an infamous crime, the provisions of Part 1 of this chapter shall apply.

§ 40-29-202.

(a) A person rendered infamous and deprived of the right of suffrage by the judgment of any state or federal court is eligible to apply for a voter registration card and have the right of suffrage restored upon:

(1) Receiving a pardon, except where such pardon contains special conditions pertaining to the right of suffrage;

(2) The discharge from custody by reason of service or expiration of the maximum sentence imposed by the court for any such infamous crime; or

(3) Being granted a certificate of final discharge from supervision by the board of probation and parole pursuant to § 40-28-105, or any equivalent discharge by another state, the federal government, or county correction authority.

(b) Notwithstanding the provisions of subsection (a), a person shall not be eligible to apply for a voter registration card and have the right of suffrage restored unless such person has either paid all restitution to the victim or victims of the offense ordered by the court as part of the sentence or is current at the time of discharge on all required payments.

§ 40-29-203.

(a) A person eligible to apply for a voter registration card and have the right of suffrage restored pursuant to § 40-29-202 may request, and then shall be issued, a certificate of voting rights restoration upon a form prescribed by the coordinator of elections, by:

(1) The pardoning authority;

(2) The warden or an agent or officer of the incarcerating authority; or

(3) A parole officer or another agent or officer of the supervising authority.

(b)(1) Any authority issuing a certificate of voting rights restoration pursuant to subsection (a) shall forward a copy of such certificate to the coordinator of elections.

(2) The issuing authority shall also supply the person being released with a written statement explaining the purpose and effect of the certificate of voting rights restoration and explaining the procedure by which such person

can use the certificate to apply for and receive a voter registration card and thereby become eligible to vote.

(c) A certificate of voting rights restoration issued pursuant to subsection (a) shall be sufficient proof that the person named on the certificate is no longer disqualified from voting by reason of having been convicted of an infamous crime.

(d) Any person issued a certificate of voting rights restoration pursuant to this section shall submit such certificate to the administrator of elections of the county in which the person is eligible to vote. The administrator of elections shall send the certificate to the coordinator of elections who shall verify that the certificate was issued in compliance with this section. Upon determining that the certificate complies with the provisions of this section, the coordinator shall notify the appropriate administrator of elections and, after determining that such person is qualified to vote in that county by using the same verification procedure used for any applicant, the administrator shall grant the application for a voter registration card. The administrator shall issue a voter registration card and such card shall be mailed to the applicant in the same manner as provided for any newly issued card.

§ 40-29-204.

Notwithstanding the provisions of this part, the following persons shall never be eligible to register and vote in this state:

(1) Those convicted after July 1, 1986 of the offenses of voter fraud, treason, murder in the first degree, or aggravated rape.

(2) Those convicted after July 1, 1996 but before July 1, 2005 of any of the offenses set out in subdivision (1) or any other degree of murder or rape.

(3) Those convicted on or after July 1, 2005 of any of the offenses set out in subdivision (1) or (2) or any other violation of Title 39, Chapter 16, Parts 1, 4 or 5 designated as a felony.

§ 40-29-205.

The coordinator of elections shall prepare a certificate of voting rights restoration form and the written statement explaining such form and the procedure by which a person can apply for a voter registration card and become eligible to vote as required by this part. The coordinator shall be responsible for printing and distributing a sufficient number of such forms to the department of correction, the board of probation and parole and any other authority that may discharge a person to whom the provisions of this part apply.

SECTION 2. For the purpose of the coordinator of elections preparing, printing and distributing the documents required by this act, it shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, it shall take effect on July 1, 2005, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Senator Person moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting subsection (b) of § 40-29-202 of the amendatory language of Section 1 and substituting instead the following:

(b) Notwithstanding the provisions of subsection (a), a person shall not be eligible to apply for a voter registration card and have the right of suffrage restored unless such person has paid all restitution to the victim or victims of the offense ordered by the court as part of the sentence.

On motion, Amendment No. 2 was adopted.

Senator Person moved to amend as follows:

AMENDMENT NO. 3

AMEND by deleting subdivision (3) of § 40-29-204 of the amendatory language of Section 1 as amended by Senate Judiciary Committee Amendment No. 1 and substituting instead the following:

(3) Those convicted on or after July 1, 2005 of any of the offenses set out in subdivision (1) or (2), any other violation of Title 39, Chapter 16, Parts 1, 4 or 5 designated as a felony, or any sexual offense set out in § 40-39-202(16) designated as a felony where the victim of such offense was a minor.

On motion, Amendment No. 3 was adopted.

Thereupon, **Senate Bill No. 1678**, as amended, passed its third and final consideration by the following vote:

Ayes	26
Noes	7

Senators voting aye were: Black, Bryson, Burks, Chism, Cohen, Cooper, Crowe, Crutchfield, Finney, Ford, Fowler, Hagood, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kurita, Kyle, McLeary, Miller, Norris, Person, Ramsey and Mr. Speaker Wilder--26.

Senators voting no were: Beavers, Burchett, Ketron, McNally, Southerland, Tracy and Williams--7.

A motion to reconsider was tabled.

Senate Bill No. 1598 -- Highways, Roads and Bridges -- Defines "milldam" for navigable stream obstruction purposes. Amends TCA Title 54 and Title 55.

Senator Norris declared Rule 13 on **Senate Bill No. 1598**.

Senator Norris moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all of the language following the enacting clause and by substituting instead the following language:

SECTION 1. Notwithstanding any provision of law to the contrary, the Regional Medical Center at Memphis (The MED) new specialty earmarked license plates authorized for issuance pursuant to § 55-4-317 shall have one (1) year from the effective date of this act or until July 1, 2006, whichever is later, to meet applicable initial issuance requirements of § 55-4-201(h)(1).

SECTION 2. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Tennessee Food Bank Network;

SECTION 3. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

(a) Owners or lessees of motor vehicles who are residents of Tennessee, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued a Tennessee food bank network new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The purpose of such plates is to recognize the importance of providing food to Tennesseans in need and to emphasize some of the many positive values that Tennesseans embrace, including respect, compassion, self-sufficiency and honesty.

(c) The new specialty earmarked license plates provided for in this section shall contain a logo or other design that embodies the concepts delineated in subsection (b). Such plates shall be designed in consultation with the board of directors of the Tennessee Food Bank Network.

(d) Funds produced from the sale of Tennessee Food Bank Network new specialty earmarked license plates shall be allocated to the Tennessee Food Bank Network in accordance with the provisions of § 55-4-215.

SECTION 4. Tennessee Code Annotated, Section 55-4-265, is amended by deleting subsection (d) in its entirety and by substituting instead the following:

(d) The funds produced from the sale of Ducks Unlimited specialty earmarked license plates authorized by this section shall be allocated to Ducks Unlimited in accordance with § 55-4-217.

SECTION 5. Sections 1 through 3 of this act shall take effect upon becoming a law, the public welfare requiring it. Section 4 of this act shall take effect July 1, 2005, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Senator Norris moved to amend as follows:

AMENDMENT NO. 2

AMEND by adding the following as a new section to precede the effective date section:

SECTION _____. Notwithstanding any provision of law to the contrary, the Children's Hospital at Johnson City Medical Center new specialty earmarked license plates authorized for issuance pursuant to § 55-4-313 shall have one (1) year from the effective date of this act or until July 1, 2006, whichever is later, to meet applicable initial issuance requirements of § 55-4-201(h)(1).

On motion, Amendment No. 2 was adopted.

Senator Crowe moved to amend as follows:

AMENDMENT NO. 3

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Section 55-4-313, is amended by adding the following language as a new subsection (d):

(d) Notwithstanding the provisions of § 55-4-201(h)(1), The Children's Hospital at Johnson City Medical Center new specialty earmarked license plate authorized by this section shall be subject to a minimum order of at least five hundred (500) plates prior to initial issuance. Such minimum order shall apply equally to the renewal of such new specialty earmarked plate. If such plate does not meet the minimum order requirements of this subsection by July 1, 2006, or does not meet the renewal requirements for any two (2) successive renewal periods thereafter, such plate shall not be issued, reissued or renewed and shall be deemed obsolete and invalid.

Pursuant to Rule 39(3), Amendment No. 3 failed for the lack of a two-thirds majority by the following vote:

Ayes	11
Noes	17
Present, not voting . . .	2

Senators voting aye were: Burks, Crowe, Crutchfield, Ford, Harper, Henry, Herron, Jackson, Kilby, McLeary and Miller--11.

Senators voting no were: Beavers, Black, Bryson, Burchett, Chism, Cohen, Cooper, Finney, Fowler, Ketron, Kurita, Kyle, McNally, Norris, Person, Ramsey and Tracy--17.

Senators present and not voting were: Hagood and Williams--2.

Senator Cohen moved to amend as follows:

AMENDMENT NO. 4

AMEND by adding the following language to precede the final section and by redesignating all remaining sections accordingly:

SECTION _____. Notwithstanding the time limitations of § 55-4-201(h)(1), the Memphis Zoo new specialty earmarked license plates authorized for issuance pursuant to § 55-4-248 and the Memphis Grizzlies new specialty earmarked license plates authorized for issuance pursuant to § 55-4-276 shall have one (1) year from the effective date of this act or until July 1, 2006, whichever is later, to meet applicable initial issuance requirements of § 55-4-201(h)(1).

SECTION _____. Tennessee Code Annotated, Section § 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Memphis and Shelby County Humane Society;

SECTION _____. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

Section 55-4-2____.

(a) Owners or lessees of motor vehicles who are residents of the State of Tennessee, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued a Memphis and Shelby County Humane Society new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

Pursuant to Rule 39(3), Amendment No. 4 was adopted by the following vote:

Ayes 33
Noes 0

Senators voting aye were: Beavers, Black, Bryson, Burchett, Burks, Chism, Cohen, Cooper, Crowe, Crutchfield, Finney, Ford, Fowler, Hagood, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Tracy, Williams and Mr. Speaker Wilder--33.

Thereupon, **Senate Bill No. 1598**, as amended, passed its third and final consideration by the following vote:

Ayes 33
Noes 0

Senators voting aye were: Beavers, Black, Bryson, Burchett, Burks, Chism, Cohen, Cooper, Crowe, Crutchfield, Finney, Ford, Fowler, Hagood, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Tracy, Williams and Mr. Speaker Wilder--33.

A motion to reconsider was tabled.

WEDNESDAY, MAY 4, 2005 -- 36TH LEGISLATIVE DAY

Senator Haynes moved that **Senate Bill No. 1704** be rereferred to the Committee on Calendar, which motion prevailed.

Senator Ramsey moved that **Senate Bill No. 2142** be moved five places down on the Calendar for today, which motion prevailed.

Senator Cohen moved that **Senate Bill No. 2244** be placed on the Calendar for Thursday, May 5, 2005, which motion prevailed.

Senator Kyle moved that **Senate Bill No. 2265** be moved three places down on the Calendar for today, which motion prevailed.

Senate Bill No. 2275 -- State Government -- Establishes the "Governor's Books from Birth Fund"; authorizes the fund to partner with a nonprofit public benefit corporation; makes the nonprofit partner eligible for participation in TCRS and the state health insurance plan. Amends TCA Title 4.

Senator Henry moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 4, is hereby amended by adding the following as a new part:

Section _____. There is established the Governor's Books from Birth Fund.

Section _____. The Fund shall promote and foster the development of a comprehensive statewide program for encouraging preschool children to read.

Section _____. Any agency of state government may provide staff and other assistance to the Fund subject to existing statutes, rules, and policies. Subject to existing statutes, rules, and policies, the Fund may procure office space and supplies necessary to enable it to effectively carry out the program. All reimbursement for travel expenses shall be in accordance with the provisions of the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter. For administrative purposes, the Fund shall be attached to the department of education.

Section _____. The Fund may enter into such contractual and promotional agreements necessary to effectively stimulate a statewide program for encouraging preschool children to read.

Section _____.

(a) The Fund is authorized to partner with a nonprofit public benefit corporation that is organized solely to promote and encourage reading by the children of the State of Tennessee, for the purpose of implementing the early reading initiatives of the Fund.

(b) The nonprofit partner shall have its board of directors elected by a process approved annually by the Governor or his/her designee. The nonprofit partner's board may select its own chairperson.

(c) The nonprofit partner shall be properly incorporated under the laws of the State of Tennessee, and approved by the Internal Revenue Service as an organization that is exempt from federal income tax under Section 501(a) of the Internal Revenue Code [26 U.S.C., Subtitle A, Chapter 1, § 501(a)], by virtue of being an organization described in Section 501(c)(3) of the Internal Revenue Code.

(d) The nonprofit partner may receive funds from the general public, and also may receive funds from the State of Tennessee at such times and in such amounts as appropriated by the General Assembly.

(e) Costs to underwrite the nonprofit partner's activities related to the Fund shall be borne from revenues of the nonprofit partner and no state employee shall benefit from such proceeds.

(f) The nonprofit partner may exercise all powers authorized under the Tennessee Nonprofit Corporation Act.

(g) The nonprofit partner may receive staff and other assistance from any agency of state government, subject to existing statutes, rules, and policies.

(h) All funds that are held by the Fund on June 30, 2005, shall be transferred to the nonprofit partner for the purposes described in this chapter.

Section _____. The Governor's Books from Birth Fund and the nonprofit corporation that partners with the Fund may take such other action as is necessary and appropriate to promote, effectuate and further the principles and aims of this act.

Section _____. The Governor's Books from Birth Fund and the nonprofit partner may work with local governments, private organizations and citizens as it plans and engages in activities related to the Fund.

Section _____.

(a) The nonprofit partner shall be eligible to be a participating employer in the Tennessee consolidated retirement system upon:

(1) Passage of a resolution by the nonprofit's board of directors authorizing an actuarial study; and

(2) Passage of a resolution by the nonprofit's board of directors authorizing such participation and accepting the liability as a result of the participation by its full-time employees.

(b) The employees of the nonprofit partner shall make the same contributions, participate in the same manner, and shall be eligible for the

same benefits as employees of local governments participating in the retirement system under this part.

(c) The employees of the nonprofit partner shall be entitled to credit for prior service as approved by the board of directors of the nonprofit under the same provisions that apply to employees of local governments.

(d) The retirement system shall not be liable for the payment of retirement allowances or other payments on account of employees of the nonprofit partner or the beneficiaries of such employees for which reserves have not been previously created from funds contributed by the nonprofit partner, its employees or the nonprofit partner and its employees.

(e) In case of the withdrawal of the nonprofit partner as a participating employer, the benefits of the members and beneficiaries shall be determined in accordance with the provisions of Tennessee Code Annotated, Section 8-35-211.

(f) It is the legislative intent that the state shall realize no increased cost as a result of this section. All costs associated with retirement coverage, including administrative costs, shall be the responsibility of the nonprofit partner.

Section ____.

The nonprofit partner may participate the same as an eligible quasi-governmental organization in the health insurance plan authorized under Tennessee Code Annotated, Section 8-27-207, to provide health insurance for its employees, as long as such nonprofit partner satisfies each of the requirements of such section. If, within sixty (60) days of the effective date of this act, a state employee becomes an employee of the nonprofit partner, such employee is eligible to continue to participate in the insurance plans authorized in § 8-27-201. For the purpose of determining the distribution of premium for participation in the specific policies authorized by the state insurance committee, the nonprofit partner shall pay the same amount as the state government for employee participation in such coverage. An employee of the nonprofit partner electing to continue such coverage shall continue to meet the eligibility criteria of a state employee to participate in the state plan. Each employee of the nonprofit partner also is subject to the same retiree continuation provisions as state employees as provided in Title 8, Chapter 27, Part 2.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2275**, as amended, passed its third and final consideration by the following vote:

Ayes	33
Noes	0

Senators voting aye were: Beavers, Black, Bryson, Burchett, Burks, Chism, Cohen, Cooper, Crowe, Crutchfield, Finney, Ford, Fowler, Hagood, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Tracy, Williams and Mr. Speaker Wilder--33.

A motion to reconsider was tabled.

Senator Cooper moved that **Senate Bill No. 2285** be moved three places down on the Calendar for today, which motion prevailed.

Senator Kyle moved that **Senate Bill No. 2312** be moved five places down on the Calendar for today, which motion prevailed.

MR. SPEAKER WILDER RELINQUISHES CHAIR

Mr. Speaker Wilder relinquished the Chair to Senator Williams as Speaker pro tempore.

Senate Bill No. 2265 -- Commerce and Insurance, Dept. of -- Specifies that any board, commission, or agency attached to the division of regulatory boards may refuse to issue or renew, or suspend or restrict a license, permit, or authorization in certain situations. Amends TCA Title 56, Chapter 1, Part 3.

Senator Cooper moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all of the language after the enacting clause and substituting the following:

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 1, Part 3, is amended by adding the following as a new, appropriately designated section:

Section ____.

(a) In addition to any other lawful disciplinary authority, any board, commission or agency attached to the division of regulatory boards may, upon receipt of a certified order, refuse to issue or renew a license, permit or authorization to practice, and revoke, suspend or restrict any license, permit or authorization to practice it has issued to any person who:

(1) Has had the person's license, permit or authorization to practice in the profession or occupation subject to the jurisdiction of the board, commission or agency suspended or revoked by another state or national board, commission or agency for any acts or omissions that would constitute grounds for discipline in this state; or

(2) Has voluntarily surrendered the person's license, permit or authorization to practice in the profession or occupation that is subject to the jurisdiction of the board, commission or agency as a result of or during the pendency of disciplinary proceedings by another state or national board, commission or agency for any acts or omissions that would constitute grounds for discipline in this state.

(b) The provisions of the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, govern all matters and procedures respecting the hearing and judicial review of any contested case, as defined therein, arising under the authority of this section.

(c) Any board, commission or agency attached to the division of regulatory boards is authorized to promulgate rules to effectuate the purposes of this section. All such rules and regulations shall be promulgated in accordance with the provisions of the Uniform Administrative Procedures Act compiled at Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Cooper moved that **Senate Bill No. 2265** be placed on the Calendar for Thursday, May 5, 2005, which motion prevailed.

Senator Ramsey moved that **Senate Bill No. 2142** be moved five places down on the Calendar for today, which motion prevailed.

Senate Bill No. 2285 -- Unemployment Compensation -- Makes various changes to unemployment compensation provisions regarding experience rating system used to calculate employers' unemployment compensation premiums. Amends TCA Sections 50-7-205(2), 50-7-403(a), (b), (f) and (j), and 50-7-503(a)(1).

Senator Cooper moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting in subdivision (2)(G)(iii) of Section 1 of the printed bill the language "Class E felony" and by substituting instead the language "Class A misdemeanor".

AND FURTHER AMEND in Section 7 of the printed bill by deleting subdivision (K) in its entirety and by substituting instead the following:

(K) As provided in § 62-43-113(b)(2)(A)(ii)(b) of the Tennessee Employee Leasing Act, a staff leasing company shall not be considered a successor employer, within the meaning of this section, to any client and shall not acquire the experience history of any client with whom there is not any common ownership, management or control. The client, upon terminating its relationship with the staff leasing company, shall not be considered a successor employer, within the meaning of this chapter, to the staff leasing company and shall not acquire any portion of the experience history of the aggregate reserve account of the staff leasing company with whom there is not any common ownership, management or control.

On motion, Amendment No. 1 was adopted.

Senator Henry moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting in the directory language of the first clause of Senate Commerce, Labor & Agriculture Committee Amendment No. 1 the language "Section 1 of the printed bill" and by substituting instead the language "Section 7 of the printed bill".

WEDNESDAY, MAY 4, 2005 -- 36TH LEGISLATIVE DAY

On motion, Amendment No. 2 was adopted.

Thereupon, **Senate Bill No. 2285**, as amended, passed its third and final consideration by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Beavers, Black, Bryson, Burchett, Burks, Chism, Cohen, Cooper, Crowe, Crutchfield, Finney, Ford, Fowler, Hagood, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Tracy and Williams--30.

A motion to reconsider was tabled.

Senate Joint Resolution No. 57 -- General Assembly, Statement of Intent or Position -- Expresses support for development of long-term care services plan that offers Choices for Care.

Senator Ford moved to amend as follows:

AMENDMENT NO. 1

AMEND by inserting the language ", residential homes for the aged" between the language "facilities" and "and nursing homes" in the subdivision (1) of the third resolving clause.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Joint Resolution No. 57**, as amended, was adopted by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Beavers, Black, Bryson, Burchett, Burks, Chism, Cohen, Cooper, Crowe, Crutchfield, Finney, Ford, Fowler, Hagood, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Tracy and Williams--31.

A motion to reconsider was tabled.

Senator Ketron moved that **Senate Bill No. 1075** be placed on the Calendar for Wednesday, May 11, 2005, which motion prevailed.

Mr. Speaker pro tempore Williams moved that **Senate Bill No. 2312** be moved five places down on the Calendar for today, which motion prevailed.

Senator Black moved that **Senate Bill No. 1616** be placed on the Calendar for Wednesday, May 11, 2005, which motion prevailed.

Senate Bill No. 2142 -- Bad Checks -- Increases the authorized handling charge against the maker or drawer of a check drawn against insufficient funds from \$20.00 to \$30.00. Amends TCA Title 47, Chapter 29.

Senate Bill No. 2142 passed its third and final consideration by the following vote:

Ayes 32
Noes 1

Senators voting aye were: Beavers, Black, Bryson, Burchett, Chism, Cohen, Cooper, Crowe, Crutchfield, Finney, Ford, Fowler, Hagood, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Tracy, Williams and Mr. Speaker Wilder--32.

Senator voting no was: Burks--1.

A motion to reconsider was tabled.

Senate Bill No. 1873 -- DUI/DWI Offenses -- Requires health care provider to notify law enforcement officer of blood or urine test results under certain circumstances; requires county medical examiner or other law enforcement official to be notified of death as apparent result of traffic collision; requires blood test in certain circumstances. Amends TCA Section 38-7-108 and Title 55, Chapter 10, Part 4.

Senator Cooper moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting Section 3 of the printed bill in its entirety and by substituting instead the following language:

SECTION 3. Tennessee Code Annotated, Section 55-10-406(e), is amended by designating the current language as subdivision (5) and by adding the following language as new, appropriately designated subdivisions:

(1) A health care provider providing medical care to a person in a health care facility shall notify, as soon as reasonably possible, any law enforcement officer present at the health care facility to investigate a collision when such provider:

(A) Has a reasonable belief that the person was in a vehicle involved in a collision; and

(B) Becomes aware, as a result of any blood or urine test performed in the course of medical treatment, that:

(i) The alcohol concentration in the person's blood meets or exceeds the amount specified in § 55-10-401; or

(ii) The person's blood or urine contains one (1) or more drugs that are capable of impairing a person's ability to operate a vehicle in a careful and prudent manner.

(2) If no law enforcement officer is present, the provider shall notify the municipal or county law enforcement department in the municipality or county where the collision occurred. If the provider is uncertain as to the location of the collision or

has no knowledge of where the collision occurred, then the provider shall notify the Department of Safety.

The notice by the provider shall consist of the name of the person being treated, the blood alcohol concentration or drug content disclosed by the test, and the date and time of the administration of the test. A law enforcement officer receiving such notice shall have reasonable grounds to believe that a violation of this part has occurred.

(3) A health care facility in good faith notifying law enforcement and reporting such information shall be immune from liability for those good faith actions.

(4) For the purposes of this subsection, unless the context otherwise requires:

(A) "Health care facility" includes any program, institution, place, building, or agency, or portion thereof, private or public, whether organized for profit or not, that is used, operated, or designed to provide medical diagnosis, treatment, or rehabilitative or preventative care to any person.

(B) "Health care provider" or "provider" means a person who is licensed, certified, or otherwise authorized or permitted by law to administer health care in the ordinary course of business or practice of a profession and includes, but is not limited to, those individuals listed in subsection (a)(1).

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 1873**, as amended, passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Beavers, Black, Bryson, Burchett, Burks, Cohen, Cooper, Crowe, Crutchfield, Finney, Ford, Fowler, Hagood, Harper, Haynes, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Tracy, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

Senate Bill No. 2038 -- Health, Dept. of -- Enacts the "Child Nutrition and Wellness Act of 2005" to educate public about child nutrition and wellness and to advocate the improvement of child nutrition and wellness. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 1.

On motion of Senator Ford, Amendment No. 1 was withdrawn.

Senator Black moved that **Senate Bill No. 2038** be referred to the Committee on Finance, Ways and Means, which motion prevailed.

Senate Bill No. 2093 -- Local Government, General -- Enacts the "Local Government Modernization Act of 2005".

Senator Cohen moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. In order to ensure local governments in Tennessee maintain adequate accounting records and comply with generally accepted accounting principles for financial accounting and reporting, there is hereby created the "Local Government Modernization Act of 2005."

(1) The comptroller of the treasury shall determine those local governments which are in noncompliance on or after June 30, 2004 with the accounting and financial reporting model for financial statement presentation established by the governmental accounting standards board (GASB) in statement 34. Those governments determined to be in noncompliance with statement 34 shall be required to submit an implementation work plan to the comptroller of the treasury on a date prescribed by the comptroller. The chief executive officer of the local government shall serve as the primary person with authority and responsibility for development and submission of the local government's work plan which shall include the primary government and all component units of the local government. The work plan shall include due dates and responsible persons or parties for implementation. The work plan shall not include an effective implementation date of later than June 30, 2008.

(2) If a local government fails to submit a work plan by the date prescribed, the comptroller shall provide assistance to the local government to develop a work plan within sixty (60) days of the date the plan should have been filed. If the local government does not agree to a work plan within this sixty (60) day period, the comptroller shall provide a work plan that meets the requirements for implementation by June 30, 2008.

(3) If a local government fails to implement accounting and financial reporting standards as required by GASB on or after June 30, 2008, as determined by the comptroller the following penalties or restrictions shall be imposed on the non-complying local government.

(A) The local government shall not be eligible for economic and community development grants funded by the state and administered by the Department of Economic and Community Development as mutually agreed upon by the comptroller and the Commissioner of Economic and Community Development, and bank excise tax and hall income tax revenues which are collected and distributed by the state shall be reduced to an amount agreed upon by the comptroller and the Commissioner of Revenue, but not to exceed 5% of the total amount due the local government in any fiscal year, until the local government is in compliance with accounting and financial reporting standards required by GASB. If a school district (defined as a county, municipal or special school district or system) fails to comply, the school district shall not be eligible for certain state funded education grants administered by the department of education until they comply with accounting and financial reporting standards required by GASB. The comptroller and the Commissioner of Education shall mutually agree to the categories of grants

subject to this restriction. If a county highway department fails to comply, the comptroller and the Commissioner of Revenue shall agree on an amount whereby the funds that the county highway fund would otherwise receive from state gasoline tax proceeds as allocated pursuant to Section 67-3-901 shall be reduced. After such amount is agreed upon, the department of revenue shall make the reductions from the monthly allocations of gasoline tax proceeds to the county. The amounts so reduced shall be held in reserve by the department of revenue and allocated to the county upon the county becoming compliant as determined by the comptroller.

(B) The comptroller shall provide the local government a list of professional firms available to assist in implementation of the work plan. The local government shall provide funds for the cost of this assistance. If the local government fails to provide funds for the cost of this assistance, such cost shall become an outstanding legal obligation of the local government. If the local government fails to pay the cost, the state shall pay said cost and the local government shall be required to reimburse the state.

(C) In those county governments which fail to implement accounting and financial reporting standards required by GASB on or after the required implementation date of June 30, 2008, the comptroller shall review and evaluate the county's financial management system and make a recommendation to the county's legislative body on how to improve the financial management system to facilitate compliance with accounting and financial reporting standards. The county legislative body shall act upon the recommendation of the comptroller within ninety (90) days of notification.

(4) Local governments are encouraged to consider establishing an audit committee. The comptroller may require an audit committee be established in any local government in this state which:

(A) Is in noncompliance with the accounting and financial reporting standards required by GASB on or after the prescribed date of June 30, 2008; or

(B) Has recurring findings from the annual audit for three (3) or more consecutive years as determined by the comptroller to be a material weakness in internal control or material noncompliance under Government Auditing Standards.

The governing body of the local government shall create the audit committee. The audit committee members shall be external to management and may be members of the governing body or citizens from within the boundaries of the local government or a combination of both. Members of the audit committee shall be selected by the legislative body. The audit committee shall establish responsibilities and duties that are stated in a resolution approved by the legislative body. The responsibilities and duties, at a minimum, shall address financial and other reporting practices, internal control, compliance with laws and regulations, and ethics. The resolution creating the duties and responsibilities of the audit committee shall be submitted to the comptroller prior to approval by the legislative body. The comptroller shall review the proposed resolution and report back to the local government on whether the resolution follows

recommended guidelines for an audit committee. The resolution adopted by the legislative body must conform to the report issued by the comptroller.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2093**, as amended, passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Beavers, Black, Bryson, Burchett, Burks, Chism, Cohen, Cooper, Crowe, Crutchfield, Finney, Ford, Fowler, Hagood, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Person, Ramsey, Southerland, Tracy, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

Senate Bill No. 2312 -- Revenue -- Changes percentage of local share from certain taxes that is paid into general fund, including taxes on alcoholic beverages, hall income tax, excise tax, severance tax and sales tax; extends authorization to use highway and other funds to pay for state's budget; extends taxes on intermediate care facilities for the mentally retarded and nursing homes from 2005 to 2007. Amends TCA Title 57, Title 67, Title 68, and Title 4.

Senator Kyle moved that Amendment No. 1 be placed behind Amendment No. 2, which motion prevailed.

Senator Henry moved to amend as follows:

AMENDMENT NO. 2

AMEND by inserting the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION __. (a) Tennessee Code Annotated, Section 67-5-212(b)(3), is amended by deleting the sentence which reads as follows:

Where a religious institution acquires property previously approved for a religious use exemption or property to replace its own property previously approved for a religious use exemption, the effective date of exemption shall be one (1) year prior to the date of application, or the date the acquiring institution began to use the property for religious purposes, whichever is later.

and by substituting instead the following sentence:

If a religious institution acquires property previously approved for a religious use exemption or property to replace its own property previously approved for a religious use exemption, then the effective date of exemption shall be five (5) years

prior to the date of application, or the date the acquiring institution began to use the property for religious purposes, whichever is later.

(b) Notwithstanding any provision of this act or any other law to the contrary, the provisions of this section shall take effect upon becoming a law, the public welfare requiring it, and shall apply to claims pending on or after such effective date.

On motion, Amendment No. 2 was adopted.

Senator Henry moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting sections 12, 13, 14 and 15 of the printed bill and by renumbering the remaining section accordingly.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2312**, as amended, passed its third and final consideration by the following vote:

Ayes	33
Noes	0

Senators voting aye were: Beavers, Black, Bryson, Burchett, Burks, Chism, Cohen, Cooper, Crowe, Crutchfield, Finney, Ford, Fowler, Hagood, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Tracy, Williams and Mr. Speaker Wilder--33.

A motion to reconsider was tabled.

Mr. Speaker pro tempore Williams moved that **Senate Bill No. 2215** be moved five places down on the Calendar for today, which motion prevailed.

Senator Fowler moved that **Senate Bill No. 60**, as amended, be placed on the Calendar for Thursday, May 12, 2005, which motion prevailed.

MR. SPEAKER WILDER RESUMES CHAIR

Mr. Speaker Wilder resumed the Chair.

Senate Bill No. 2167 -- Education -- Broadens Tennessee Public Charter Schools Act of 2002. Amends TCA Title 49, Chapter 13.

Senator Hagood moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-13-102, is amended by deleting subsections (c), (d) and (e).

SECTION 2. Tennessee Code Annotated, Section 49-13-104(3), is amended by deleting the punctuation ";" at the end of the subdivision and by substituting instead the punctuation "." and by adding the following language at the end of the subdivision:

The membership of a charter school's governing body shall include at least one (1) parent representative whose child is currently enrolled in the charter school. Such parent representative shall be appointed by the governing body within six (6) months of the school's opening date;

SECTION 3. Tennessee Code Annotated, Section 49-13-104(7), is amended by deleting the language "private school" and by substituting instead the language "private K-12 school".

SECTION 4. Tennessee Code Annotated, Section 49-13-105(b), is amended by deleting the subsection in its entirety and by substituting instead the following:

(b)(1) Except where waivers are otherwise prohibited, a public charter school is exempt from all statutes, rules, and regulations applicable to a school, a board, or a district, although it may elect to comply with one (1) or more provisions of statutes, rules, and regulations. No public charter school shall be exempted from regulatory or statutory requirements related to:

(A) Federal and state civil rights;

(B) Federal, state and local health and safety;

(C) Federal and state public records;

(D) Immunizations;

(E) Possession of weapons on school grounds;

(F) Background checks and fingerprinting of personnel;

(G) Federal and state special education services;

(H) Student due process;

(I) Parental rights;

(J) Federal and state student assessment and accountability;

(K) Open meetings; and

(L) At least the same equivalent time of instruction as required in regular public schools.

(2) No public charter school shall be exempted from compliance with the provisions and requirements set forth in this act.

SECTION 5. Tennessee Code Annotated, Section 49-13-106(a), is amended by deleting the subsection in its entirety and by substituting instead the following:

(a) Public charter schools may be formed to provide quality educational options for students. At least seventy-five percent (75%) of the prospective student population will be:

(1) Students who are assigned to or were previously enrolled in a charter school or a high priority school, as defined by the state's accountability system;

(2) Students who, in the previous school year, failed to test proficient in any subject on any of the state mandated tests;

(3) Students who are eligible for special education services, per federal guidelines; or

(4) Students who are eligible for ELL or ESL services, per state guidelines.

SECTION 6. Tennessee Code Annotated, Section 49-13-106(b)(1)(A), is amended by deleting the language "November 15" and by substituting instead the language "July 1" and by deleting the language "local board of education" and by substituting instead the language "chartering authority".

SECTION 7. Tennessee Code Annotated, Section 49-13-106(b)(1)(C), is amended by deleting the subdivision in its entirety.

SECTION 8. Tennessee Code Annotated, Section 49-13-106(b)(2)(A), is amended by adding the following sentence at the end of the subdivision:

Nothing in this section shall prevent a private, non-profit, contract school from filing a petition for conversion with the LEA.

SECTION 9. Tennessee Code Annotated, Section 49-13-106(b)(2)(B), is amended by deleting the words "without penalty" at the end of the second sentence, and by adding the following sentence at the end of the subdivision:

An LEA's decision whether to convert an eligible public school may not be appealed to the State Board of Education.

SECTION 10. Tennessee Code Annotated, Section 49-13-107, is amended by deleting the language "November 15" and substituting instead the language "July 1", by designating the existing language as subsection (a), and by adding the following language as new subsection (b):

(b) Upon approval of its application and at its discretion, the newly-approved charter school may elect to defer opening by one (1) school year if it determines the additional time is needed for planning, implementation, and/or organization.

SECTION 11. Tennessee Code Annotated, Section 49-13-108, is amended by deleting the language "local board of education" wherever such language appears and by substituting instead the language "chartering authority".

SECTION 12. Tennessee Code Annotated, Section 49-13-108(1), is further amended by deleting the language "sixty (60) days" and by substituting instead the language "seventy-five (75) days" and by deleting the language "sixty (60) day time limit" and by substituting instead the language "seventy-five (75) day time limit".

SECTION 13. Tennessee Code Annotated, Section 49-13-108(2), is amended by deleting the first sentence and by substituting instead the following:

The chartering authority shall review charter school applications in a manner consistent with review and scoring guidelines developed by the Tennessee Department of Education.

SECTION 14. Tennessee Code Annotated, Section 49-13-108(2), is further amended by deleting the word "The" at the beginning of the second sentence and by substituting instead the language "Within fifteen (15) days of denial, the".

SECTION 15. Tennessee Code Annotated, Section 49-13-108(3), is amended by deleting the last sentence of the subsection in its entirety.

SECTION 16. Tennessee Code Annotated, Section 49-13-109, is amended by deleting the second sentence of the section in its entirety.

SECTION 17. Tennessee Code Annotated, Section 49-13-111(a), is amended by adding the following as a new, appropriately designated subdivision:

() Prepare and distribute to parents at the beginning of the school year, a student handbook which includes, but is not limited to, names and contact information for the school's governing board members; meeting dates, times, and locations of the governing board meetings; the school's discipline procedures; and the school's grievance procedures.

SECTION 18. Tennessee Code Annotated, Section 49-13-111, is amended by adding the following as new, appropriately designated subsections:

() A public charter school shall be solely responsible for its financial obligations. Financial obligations of a charter school shall not constitute debt or financial obligations of the chartering authority unless the chartering authority expressly assumes such obligations in writing.

() A public charter school shall be responsible for its own operation including, but not limited to, budget preparation and amendment, contracting for services, curriculum preparation, amendment and implementation, and personnel matters.

SECTION 19. Tennessee Code Annotated, Section 49-13-113(c), is amended by deleting the subsection in its entirety and by substituting instead the following:

(c) Subject to the requirements of subsections (a) and (b) preference shall be afforded to the siblings of a pupil who is already enrolled in the school. Preference also may be afforded to the children of a teacher, sponsor or member of the governing body of the charter school, not to exceed ten percent (10%) of total enrollment or twenty-five (25) students, whichever is less.

SECTION 20. Tennessee Code Annotated, Section 49-13-121(b), is amended by deleting the language "November 15" and by substituting instead the language "July 1".

SECTION 21. Tennessee Code Annotated, Section 49-13-124, is amended by deleting the last sentence of the section in its entirety and by substituting instead the following:

A public charter school may conduct activities necessary and appropriate to carry out its responsibilities such as:

- (1) Contract for services, except for the management or operation of the charter school by a for-profit entity;
- (2) Apply for qualified zone academy bonds pursuant to state and federal law;
- (3) Buy, sell or lease property;
- (4) Borrow funds as needed; and
- (5) Pledge its assets as security; provided, however, that those assets are not leased or loaned by the state or local government.

SECTION 22. Tennessee Code Annotated, Title 49, Chapter 13, Part 1, is amended by adding the following language as new sections to be designated as follows:

§ 49-13-128. The Department of Education is encouraged to develop guidelines for the ongoing training of public charter school principals. The training guidelines, if promulgated, shall address the issues of budget and finance oversight, legal issues, and leadership training. The LEAs shall utilize the department's guidelines in providing professional development programs and opportunities, and shall provide charter school principals access to the district's professional development programs.

§ 49-13-129. A public charter school may contract with and enter into a collaborative agreement with the LEA to which it applied under § 49-13-107 to operate a pre-kindergarten program established under the provisions of Title 49, Chapter 6, Part 1.

SECTION 23. Sections 6 and 10 of this act shall take effect January 1, 2006, the public welfare requiring it. All remaining sections of this act shall take effect upon becoming law, the public welfare requiring it.

Senator Kyle moved that **Senate Bill No. 2167** be rereferred to the Committee on Education.

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Senator Burchett moved that the motion to rerefer Senate Bill No. 2167 to the Committee on Education lay on table, which motion prevailed by the following vote:

Ayes 20
Noes 11

Senators voting aye were: Beavers, Black, Bryson, Burchett, Cohen, Cooper, Crowe, Finney, Ford, Fowler, Hagood, Henry, Ketron, McNally, Miller, Norris, Person, Ramsey, Southerland and Tracy--20.

Senators voting no were: Burks, Chism, Crutchfield, Harper, Haynes, Herron, Jackson, Kilby, Kurita, Kyle and McLeary--11.

On motion, Amendment No. 1 was adopted by the following vote:

Ayes 24
Noes 5
Present, not voting . . . 2

Senators voting aye were: Beavers, Black, Bryson, Burchett, Chism, Cohen, Cooper, Finney, Ford, Fowler, Hagood, Henry, Herron, Jackson, Ketron, McNally, Miller, Norris, Person, Ramsey, Southerland, Tracy, Williams and Mr. Speaker Wilder--24.

Senators voting no were: Crutchfield, Kilby, Kurita, Kyle and McLeary--5.

Senators present and not voting were: Crowe and Harper--2.

Senator Haynes moved that Amendment No. 2 be placed at the heel of the amendments, which motion prevailed.

Senator Herron moved to amend as follows:

AMENDMENT NO. 3

AMEND by deleting the amendatory language of Section 10(b), as amended and by substituting instead the following:

(b) Upon approval of its application and at its discretion, the newly-approved charter school may elect to defer opening by one (1) school year if it determines the additional times is needed for planning, implementation, and/or organization. If the newly-approved charter school elects to defer opening by one (1) school year, the school shall not receive state funding for the length of the deferral period.

Senator Herron moved to amend as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 3

AMEND by adding the following sentence at the end of the amendatory language of subsection (b):

However, nothing in this section shall preclude any public charter school from receiving, during the deferral period, any federal funds to which it might be entitled.

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Pursuant to Rule 39(3), Amendment No. 1 to Amendment No. 3 was adopted by the following vote:

Ayes	33
Noes	0

Senators voting aye were: Beavers, Black, Bryson, Burchett, Burks, Chism, Cohen, Cooper, Crowe, Crutchfield, Finney, Ford, Fowler, Hagood, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Tracy, Williams and Mr. Speaker Wilder--33.

On motion, Amendment No. 3, as amended, was adopted.

On motion of Senator Herron, Amendment No. 4 was withdrawn.

Senator Herron moved to amend as follows:

AMENDMENT NO. 5

AMEND by deleting Section 4 in its entirety from Amendment No. 1 (SA 418).

Senator Miller moved that Amendment No. 5 go to the table, which motion prevailed by the following vote:

Ayes	20
Noes	12
Present, not voting . . .	1

Senators voting aye were: Beavers, Black, Bryson, Burchett, Cohen, Cooper, Crowe, Finney, Ford, Fowler, Hagood, Ketron, McNally, Miller, Norris, Person, Ramsey, Southerland, Tracy and Williams--20.

Senators voting no were: Burks, Chism, Crutchfield, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kurita, Kyle and McLeary--12.

Senator present and not voting was: Mr. Speaker Wilder--1.

On motion of Senator Herron, Amendment No. 6 was withdrawn.

On motion of Senator Herron, Amendment No. 7 was withdrawn.

Senator Herron moved to amend as follows:

AMENDMENT NO. 8

AMEND by deleting Section 5 in its entirety from Amendment No. 1 (SA 418) and substituting instead the following:

SECTION 5. Tennessee Code Annotated, Section 49-13-106(a), is amended by deleting the subsection in its entirety and by substituting instead the following:

(a) Public charter schools may be formed to provide quality educational options for students. The prospective student population will be:

(1) Students who, in the previous school year, failed to meet proficiency standards as established by the state's accountability system and outlined in the federal Elementary and Secondary Education Act;

(2) Students who are eligible for special education services, per federal guidelines; or

(3) Students who are eligible for ELL or ESL services, per state guidelines.

Senator Cohen moved that Amendment No. 8 go to the table, which motion prevailed by the following vote:

Ayes 20
Noes 11

Senators voting aye were: Beavers, Black, Bryson, Burchett, Cohen, Cooper, Crowe, Finney, Ford, Fowler, Hagood, Henry, Ketron, McNally, Miller, Norris, Person, Ramsey, Southerland and Tracy--20.

Senators voting no were: Burks, Chism, Crutchfield, Harper, Haynes, Herron, Jackson, Kilby, Kurita, Kyle and McLeary--11.

Senator Herron moved to amend as follows:

AMENDMENT NO. 9

AMEND by deleting the language "chartering authority" and substituting instead the language "local board of education" wherever it may be found in Amendment No. 1 to the bill (SA 418).

On motion, Amendment No. 9 was adopted.

Senator Herron moved to amend as follows:

AMENDMENT NO. 10

AMEND by deleting in its entirety Section 7 from Amendment No. 1 to the bill (SA 418) and by renumbering the subsequent sections accordingly.

Senator Miller moved that Amendment No. 10 go to the table, which motion prevailed by the following vote:

Ayes 23
Noes 10

Senators voting aye were: Beavers, Black, Bryson, Burchett, Cohen, Cooper, Crowe, Finney, Ford, Fowler, Hagood, Henry, Jackson, Ketron, McNally, Miller, Norris, Person, Ramsey, Southerland, Tracy, Williams and Mr. Speaker Wilder--23.

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Senators voting no were: Burks, Chism, Crutchfield, Harper, Haynes, Herron, Kilby, Kurita, Kyle and McLeary--10.

Senator Herron moved to amend as follows:

AMENDMENT NO. 11

AMEND by deleting in its entirety Section 15 of the bill as amended by Amendment No. 1 (SA 418) and by renumbering the subsequent sections accordingly.

On motion, Amendment No. 11 was adopted.

Senator Herron moved to amend as follows:

AMENDMENT NO. 12

AMEND by deleting in its entirety Section 16 from Amendment No. 1 to the bill (SA 418) and by renumbering the subsequent sections accordingly.

On motion, Amendment No. 12 was adopted.

Senator Herron moved to amend as follows:

AMENDMENT NO. 13

AMEND by deleting in its entirety the second subsection in Section 18 from Amendment No. 1 to the bill (SA 418).

Senator Tracy moved that Amendment No. 13 go to the table, which motion prevailed by the following vote:

Ayes	20
Noes	12

Senators voting aye were: Beavers, Black, Bryson, Burchett, Cohen, Cooper, Crowe, Finney, Ford, Fowler, Hagood, Ketron, McNally, Miller, Norris, Person, Ramsey, Southerland, Tracy and Williams--20.

Senators voting no were: Burks, Chism, Crutchfield, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kurita, Kyle and McLeary--12.

Senator Herron moved to amend as follows:

AMENDMENT NO. 14

AMEND by deleting in its entirety Section 19 from Amendment No. 1 to the bill (SA 418) and by renumbering the subsequent sections accordingly.

Senator Hagood moved to amend as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 14

AMEND Amendment No. 14 by deleting the language in its entirety and by changing the word "shall" in Amendment No. 1 to the word "may" in the first sentence of Section 19.

Pursuant to Rule 39(3), Amendment No. 1 to Amendment No. 14 was adopted by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Beavers, Black, Bryson, Burchett, Burks, Chism, Cooper, Crowe, Crutchfield, Finney, Ford, Fowler, Hagood, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Tracy, Williams and Mr. Speaker Wilder--32.

On motion, Amendment No. 14, as amended, was adopted.

On motion of Senator Herron, Amendment No. 15 was withdrawn.

On motion of Senator Haynes, Amendment No. 2 was withdrawn.

Senator Miller moved for the previous question on **Senate Bill No. 2167**, as amended, which motion prevailed by the following vote:

Ayes	23
Noes	8
Present, not voting . . .	1

Senators voting aye were: Beavers, Black, Bryson, Burchett, Chism, Cohen, Cooper, Crowe, Finney, Fowler, Hagood, Jackson, Ketron, Kilby, McNally, Miller, Norris, Person, Ramsey, Southerland, Tracy, Williams and Mr. Speaker Wilder--23.

Senators voting no were: Burks, Crutchfield, Harper, Haynes, Herron, Kurita, Kyle and McLeary--8.

Senator present and not voting was: Henry--1.

Thereupon, **Senate Bill No. 2167**, as amended, passed its third and final consideration by the following vote:

Ayes	21
Noes	10
Present, not voting . . .	1

Senators voting aye were: Beavers, Black, Bryson, Burchett, Chism, Cohen, Cooper, Finney, Fowler, Hagood, Henry, Ketron, McNally, Miller, Norris, Person, Ramsey, Southerland, Tracy, Williams and Mr. Speaker Wilder--21.

Senators voting no were: Burks, Crutchfield, Harper, Haynes, Herron, Jackson, Kilby, Kurita, Kyle and McLeary--10.

Senator present and not voting was: Crowe--1.

A motion to reconsider was tabled.

Senate Joint Resolution No. 44 -- Constitutional Amendments -- Adds provisions establishing the right to hunt, fish, and harvest game subject to reasonable rules and regulations; establishes standard for reviewing such rules and regulations.

Senator Jackson moved that Amendment No. 1 be placed behind Amendment No. 2, which motion prevailed.

Senator Person moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting the following language:

The people have a right to hunt, fish, and harvest game, subject to such regulations and restrictions as prescribed by this constitution and general law. When reviewing such restrictions, a state court shall utilize a rational basis standard, as such standard has been defined by the courts through case law.

and by substituting the following:

The citizens of this state have a right to hunt, fish, and harvest game and fish subject to regulations and restrictions as authorized in accordance with Article XI, Section 13 of this constitution and pursuant to the state's obligation under its common law trust. Such regulations and restrictions shall carry with them the presumption of validity and courts reviewing such regulations and restrictions shall utilize a rational review basis standard, as such standard has been defined by the courts through case law. Nothing in the section shall alter the burden of proof requirements otherwise established by law for any challenge to a regulation or restriction relating to hunting, fishing, or the harvesting of game and fish. This section shall not be construed to abrogate any private property rights or the state's sovereignty over game and fish.

Senator Person moved to amend as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 2

AMEND by deleting from the first sentence of the amendatory language of Senate Judiciary Committee Amendment No. 1 the language "hunt," and substituting instead the language "hunt, including with dogs,".

AND FURTHER AMEND by deleting from the third sentence of the amendatory language of Senate Judiciary Committee Amendment No. 1 the language "hunt," and substituting instead the language "hunt, including with dogs,".

On motion, Amendment No. 1 to Amendment No. 2 was adopted.

On motion, Amendment No. 2, as amended, was adopted.

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Senator Jackson moved that the Clerk read the resolution, which motion prevailed.

The Clerk read the resolution.

Thereupon, Mr. Speaker Wilder declared pursuant to Article XI, Section 3, **Senate Joint Resolution No. 44**, as amended, had been read.

Senator Jackson moved that **Senate Joint Resolution No. 44**, as amended, be placed on the Calendar for Thursday, May 5, 2005, which motion prevailed.

MOTION

Senator Ramsey moved that the Senate recall from the Governor **House Bill No. 2360**, which motion prevailed.

MOTION

Senator Black moved that Rule 37 be suspended for the immediate consideration of **Senate Resolution No. 30**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Resolution No. 30 -- Memorials, Public Service -- Pat Owsley, Tennessee Education Association Susan B. Anthony Award.

On motion of Senator Black, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Resolution No. 30** was adopted.

A motion to reconsider was tabled.

MOTION

Senator Henry moved that Rule 83(8) be suspended for the purpose of placing **Senate Bill No. 104** on the calendar for the Committee on Finance, Ways and Means for Tuesday, May 10, 2005, which motion prevailed.

RECALL OF BILL

On motion of Senator McNally, **Senate Bill No. 892** was recalled from the Committee on Calendar.

WITHDRAWAL OF BILL

On motion of Senator McNally, Senate Bill No. 892 was withdrawn from the Senate.

MOTION

On motion of Senator Miller, his name was added as sponsor of **Senate Bills Nos. 303, 530, 759, 1075, 2102 and 2142; and House Joint Resolution No. 391**.

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On motion of Senator Kyle, his name was added as sponsor of **Senate Bills Nos. 1903 and 2275.**

On motion of Senator Cohen, his name was added as prime sponsor of **Senate Bills Nos. 2224 and 2275; and Senate Joint Resolution No. 57.**

On motion of Senator Williams, his name was added as sponsor of **Senate Bill No. 2317.**

On motion of Senator Person, his name was added as sponsor of **Senate Bills Nos. 645, 2142 and 2372.**

On motion of Senator Herron, his name was added as sponsor of **Senate Bills Nos. 759 and 2275; and House Joint Resolutions Nos. 391, 392, 393, 394, 395, 396, 397, 398 and 399.**

On motion of Senator Finney, his name was added as sponsor of **House Joint Resolutions Nos. 435, 436 and 437.**

On motion of Senator McLeary, his name was added as sponsor of **House Joint Resolution No. 250 and Senate Bill No. 2275.**

On motion of Senator Burchett, his name was added as sponsor of **Senate Bill No. 194.**

On motion of Senator Burks, her name was added as sponsor of **Senate Bills Nos. 759, 955, 1873, 2115, 2275 and 2312.**

On motion of Senator Kilby, his name was added as sponsor of **Senate Bills Nos. 1678, 2275 and 2312.**

On motion of Senator Crowe, his name was added as sponsor of **Senate Bill No. 1678; and House Joint Resolutions Nos. 400 and 414.**

On motion of Mr. Speaker Wilder, his name was added as sponsor of **Senate Resolution No. 31.**

On motion of Senator Beavers, her name was added as sponsor of **Senate Joint Resolutions Nos. 252, 253 and 255.**

On motion of Senator Henry, his name was added as sponsor of **House Joint Resolution No. 391; and Senate Bills Nos. 1773 and 2275.**

On motion of Senator Harper, her name was added as sponsor of **House Joint Resolution No. 391 and Senate Bill No. 2275.**

On motion of Senator Black, her name was added as sponsor of **House Joint Resolution No. 409.**

On motion of Senator Kurita, her name was added as sponsor of **House Joint Resolutions Nos. 410, 412 and 413; and Senate Bill No. 2275.**

On motion of Senator Ramsey, his name was added as sponsor of **House Joint Resolution No. 414.**

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On motion of Senators Chism, Cooper, Crutchfield, Ford, Haynes and Jackson, their names were added as sponsors of **Senate Bill No. 2275**.

On motion of Senator McNally, his name was added as sponsor of **House Joint Resolutions Nos. 425, 426 and 427; and Senate Bill No. 1116**.

On motion, all Senators' names were added as sponsors of **Senate Joint Resolution No. 57**.

ENGROSSED BILLS

May 4, 2005

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 150, 194, 339, 795, 926, 1006, 1129, 1598, 1678, 1873, 2093, 2142, 2275, 2285 and 2312; and Senate Joint Resolution No. 57; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENGROSSED BILLS

May 4, 2005

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolutions Nos. 240, 252, 253, 254, 255, 256, 257, 259, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274 and 275; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

May 4, 2005

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 384, 759, 1269, 1351, 1352, 1981 and 2114; for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

SIGNED

May 4, 2005

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 116, 117, 122, 343, 384, 385, 386, 387, 388, 389 and 480.

MESSAGE FROM THE HOUSE

May 4, 2005

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2, 147, 240, 325, 401, 606, 612, 770, 782, 825, 1012, 1063, 1563, 2200, 2279 and 2338; signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

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MESSAGE FROM THE HOUSE

May 4, 2005

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 1332, 1554, 1921, 1946, 2264, 2268, 2286 and 2306; signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE GOVERNOR

May 4, 2005

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bills Nos. 464, 717, 2104 and 2311; and Senate Joint Resolutions Nos. 167, 168, 169 and 276; with his approval.

ROBERT E. COOPER, JR.,
Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

May 4, 2005

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bills Nos. 47, 295, 313, 480, 618, 732, 929, 943, 1080, 1728, 1779, 2107, 2289 and 2295; with his approval.

ROBERT E. COOPER, JR.,
Counsel to the Governor.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR #1**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, May 5, 2005: Senate Resolutions Nos. 25, 26 and 27; Senate Joint Resolutions Nos. 278, 279, 280, 281, 282, 283, 284 and 285; and House Joint Resolutions Nos. 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 435, 436, 437 and 438.

This the 3rd day of May, 2005.
CROWE, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR #2**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, May 5, 2005: Senate Bills Nos. 214, 912, 985, 1719 and 2094.

This the 3rd day of May, 2005.
CROWE, Chairperson.

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, May 5, 2005: Senate Bills Nos. 7, 247, 353, 492,

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554, 961, 1008, 1596, 1804, 1836, 1903, 1967, 2106, 2116, 2176, 2205, 2249, 696, 1082, 1260 and 2272.

This the 3rd day of May, 2005.
CROWE, Chairperson.

ADJOURNMENT

Senator Ramsey moved the Senate adjourn until 9:00 a.m., Thursday, May 5, 2005, which motion prevailed.